

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JOHN W. PEROTTI,</b>	)	<b>CASE NO. 1:06CV1878</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>v.</b>	)	
	)	
<b>DETECTIVE FRITSCHKE, et al.,</b>	)	
	)	<b>ORDER</b>
<b>Defendant.</b>	)	
	)	

Plaintiff filed the Complaint in the instant action on July 11, 2006, in the Court of Common Pleas for Cuyahoga County. (Dkt. # 1-1). Defendants removed the case to federal court on August 4, 2006. (Dkt. # 1). The case was first assigned to Judge Donald C. Nugent, but was transferred to this Court as a related case to Perotti v. Medlin, Case No. 4:05CV2739. (Dkt. # 24). Both cases were referred to Magistrate Judge George J. Limbert for general pretrial supervision, including all motions.

On October 27, 2008, Magistrate Judge Limbert issued an Interim Report and Recommendation in Case No. 4:05CV2739, recommending *inter alia* that the instant case be dismissed *sua sponte*, as the claims presented against Defendants are identical to claims presented in Case No. 4:05CV2739. (Case No. 4:05CV2739, Dkt. # 98). Neither party filed objections to the Magistrate Judge's Report and Recommendation, which was adopted by the Court.

Based upon the Magistrate Judge's recommendation and the Court's review of the complaints filed by Plaintiff in each case, the Court finds that dismissal of the instant case is appropriate to avoid unnecessary filings and the inefficient use of the Court's limited resources. While the Court acknowledges that *sua sponte* dismissals are generally disfavored, "a complaint that merely repeats pending...claims may be dismissed sua sponte." Brazell v. Muller, 2004 WL 569898 (N.D. Cal. 2004).

Therefore, the instant matter is hereby **DISMISSED**.

/s/ Peter C. Economus – January 15, 2009  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**